# Ecology logo. A state of Washington shape separated into three bands of color; light blue, green, and dark blue. a sun sits in the middle of the light blue band.APROVED MEETING SUMMARY

**WRIA 13 Watershed Restoration and Enhancement Committee**

January 20, 2021 | 9:00 a.m. - 1:00 p.m. |[committee website](https://www.ezview.wa.gov/site/alias__1962/37325/watershed_restoration_and_enhancement_-_wria_13.aspx)

## Location

Webex**Committee Chair**

Angela Johnson
angela.johnson@ecy.wa.gov**Handouts**

1. [December 2020 Meeting Summary](https://app.box.com/s/at6sbxqtsbdl7guuhm9xwowcu2g0zmr4)
2. [Final Project Descriptions](https://app.box.com/s/wxalgrzmek291ufsuuc6jf7l9c5s5zud)
3. [Project Inventory](https://app.box.com/s/vdvz7pve0oga35gry4djrj6qg4hu7fid)
4. Red Flag Comment Tracker
5. Red Flag Review Plan – Embedded Comments
6. [Plan Review Timeline](https://app.box.com/s/56m2tmas69mtxcjlx9ri3p1fj772qmhs)

## Attendance

### Committee Representatives and Alternates \*

Angela Johnson (*Ecology – Committee Chair)*

Paul Pickett (Squaxin Island Tribe)

Dave Monthie (*Deschutes Estuary Restoration Team*)

Adam Peterson (*Thurston Conservation District*)

John Kliem (*Lewis County*)

Donna Buxton (*City of Olympia*)

Wendy Steffensen (*LOTT-Ex Officio*)

Dan Smith (*City of Tumwater*)

Julie Rector (*City of Lacey*)

Cynthia Pratt (*City of Lacey*)

Charlie Schneider (*Tumwater City Council*)

Kaitlynn Nelson *(Thurston County)*

Josie Cummings *(BIAW*)

Noll Steinweg (*WDFW*)

### Committee Representatives Not in Attendance\*

Amy Hatch-Winecka (*WRIA 13 Lead Entity – Ex Officio)*

### Other Attendees\*

Gretchen Muller *(Cascadia Consulting)*

Jimmy Kralj (*ESA*)

Tom Culhane (*Ecology*)

Mike Noone (*Ecology*)

Jim Pacheco (*Ecology*)

\*Attendees list is based on sign-in sheet.

## Welcome

Angela and Gretchen kicked off the meeting with WebEx logistics. Gretchen took a roll call of all Committee member on the call. The group reviewed the meeting agenda.

## Approval of December Meeting Summary

* Angela received comments on the December Meeting Summary from Thurston Conservation District and the City of Olympia.
* Paul Pickett noted that he intended to provide comments, but was not able to do so ahead of the meeting.
* Paul will send Angela comments and Angela will send out the compiled revisions for approval at a later date.

## Updates and Announcements

* Photo Contest
	+ Committee members were directed to an interactive slide deck to vote on the plan cover photo.
* WRIAs 7, 8, 9, and 10 have sent their plans for local review.
* Ecology held a meeting with WDFW to continue coordination on the plan development process and discuss timelines and planning efforts across WRIAs.
* The Squaxin Island Tribe received a reply from their correspondence with Ecology regarding their general concerns related to the plan development process.

# Projects

* Angela provided an overview of updated project descriptions and other changes regarding projects in the plan.
* City of Olympia – Lilly and 26th
	+ Project needs to be removed from the body of the plan.
	+ A litigation hold was placed on the associated development.
	+ As such, the City would like to keep the project listed in the project inventory appendix, but removed from the body of the plan.
	+ Angela noted that she will discuss the necessary project description revisions during the next agenda item to review plan comments.

## Outstanding Comments from Plan Review

* Angela reviewed comments received from committee members during the red flag review of the most recent draft version of the plan.
* Over 200 comments were received during the red flag review.
* Executive Summary
	+ DERT: Comment regarding the purpose of the legislation.
		- This portion of the executive summary is intended to be an overview of the legislation and its purpose. Angela suggested text from the law be included.
		- No DERT representatives were present on the call at this point in the discussion and were not able to agree with Angela’s proposed approach.
	+ Squaxin Island Tribe (SIT): Comment about the interpretation of the law.
		- Angela removed the sentence in question and added clarifying language.
	+ SIT: Proposed offsets be described by subbasin in the executive summary.
		- Angela will add that information in this section.
	+ DERT: Substitute “requirements” for “goals”
		- Angela suggests leaving as “goals” as that was the basis for committee discussions and planning.
	+ DERT: Expressed concern about using the word “finds”.
		- Angela changed to “believes”
	+ SIT: Suggested both consumptive use goals are displayed on the map.
		- Angela will work with HDR to add this information.
	+ Olympia: Cooper’s point symbol on the map should be clarified.
		- Angela flagged for HDR to revise.
* Chapter 1
	+ SIT: Purpose of the plan is misstated.
		- Angela proposed that language be added to the plan in a footnote that not all WRIA 13 Committee members agree with Ecology’s interpretation of the law and a reference to the plan compendium for statements from Committee members, and suggested that this may address similar comments throughout the plan.
			* The Committee agreed with the inclusion of this footnote.
	+ SIT: Section needs additional descriptions about the doctrine of prior appropriation.
		- Angela has added a footnote that describes the doctrine in greater detail.
		- The SIT proposed this be included as a text box instead of a footnote.
			* Angela will make the change.
	+ DERT: Suggested to add a statement regarding water rights prioritization.
		- Angela will confirm this edit with Ecology leadership.
	+ DERT: Proposed language regarding withdrawal limits during drought periods.
		- Angela added the requested information.
	+ Angela added additional language from 90.94.030 as a reference to address several comments regarding legal interpretation and legal requirements.
* Chapter 2
	+ SIT: Suggested removal of language to clarify the statement about Black Lake drainage
		- Angela has removed this information from the plan.
	+ LOTT: Requested clarification regarding withdrawals from Group A and B systems.
		- SIT: Suggestion to state that Group A systems generally have water rights, and Group B systems are usually on permit exempt wells.
	+ SIT: Paragraph should be added to describe language regarding GMA and water planning.
		- Language has been added.
		- The Squaxin Island Tribe was not pleased with this language and thinks it could be improved.
		- SIT, DERT, and Counties offered to work with Angela to revise this language.
	+ SIT: Suggested language stating streamflow protections as a requirement.
		- Information from Ecology and Jim Pacheco was added for clarification.
		- SIT feels the new language is not adequate.
		- Ecology clarified their role in streamflow regulations and protections, specifically regarding water right holders. Disagreements between water rights holders are handled by courts and not Ecology.
		- Angela will coordinate with Paul and Jim after the meeting to resolve this issue.
* Chapter 3
	+ SIT: Proposed a revision about subbasin offset priorities.
		- Angela made the revision.
* Chapter 4
	+ Comments regarding different legal interpretations.
		- These are address by footnotes.
	+ SIT: When consumptive use estimates are referenced, both values should be stated.
		- Angela has made this change throughout the plan.
	+ SIT: Language describing the comparability study between consulting groups should be improved.
		- Angela worked with HDR to clarify the language.
	+ DERT: Suggested clarification about metering and compliance.
		- Angela added “a compliance program” in the text
		- BIAW asked for clarification that this statement is not to suggest metering.
			* Angela confirmed.
	+ DERT: Requested clarification about comparisons with offset values and suggested removing the sentence.
		- Angela removed the sentence.
* Chapter 5:
	+ Again, disagreements with the legal interpretation are addressed with the addition of footnotes.
	+ SIT: Requested clarification regarding habitat projects and potential to increase streamflow
		- Angela updated the text.
	+ WDFW: WDFW made a statement about all MAR projects and inconsistencies in the safety factor.
		- Angela reviewed all descriptions and confirmed that the safety factor value was consistent.
	+ Angela added a new paragraph from WRIA 14 regarding in-channel structures for MAR projects. This language states that projects should avoid negative impacts to ecological functions and limit the use of in-channel structures.
	+ Lilly and 26th project will be removed from the body of the plan and retained in the project inventory appendix as noted previously in the meeting. The offset value will be removed from the overall total.
	+ WDFW requested language to the Schneider Prairie project summary to state that project performance overtime should be listed as an uncertainty for implementation.
	+ WDFW: Requested additional uncertainties be described related to HDR’s analyses of the Schneider Prairie project.
		- Angela added this information into the plan.
		- Angela will clarify information about the year 5 critical flow period.
	+ WDFW: Requested timing of offset benefit information be added to Table 7.
		- Angela has added timing information based on when the committee is claiming the offset amount.
	+ DERT asked if Thurston County was planning to add language related to the county’s willingness to ensure MAR projects are implemented.
		- DERT will confirm this is addressed in the assurance of implementation section.
		- Angela noted that a previous discussion on this related to Thurston County receiving funding to do MAR feasibility studies as an indication of commitment to implementation.
	+ SIT: Requested Consumptive Use information be added to table 8
		- Angela added this information.
		- With the removal of the Lilly and 26th project from the body of the plan, there are no offsets claimed in the Boston Harbor subbasin
			* This will also be changed on the map.
	+ WDFW: Requested clarification as to why Hick’s Lake and Donnelly Drive are displayed as year round benefits.
		- This was decided by consensus at the December 2020 committee meeting.
		- WDFW suggested a general statement on the rationale for claiming year-round benefits be included.
			* Angela will work with HDR to add this statement.
	+ SIT: SIT will provide an updated memo for the plan regarding the Forest Stand Age proposal.
		- This will be included in the plan appendix.
	+ Angela provided clarified information about consumptive use estimates and requirements in this chapter.
		- Angela will add language that shows the connection between an absence of projects in certain subbasins to the adaptive management process.
	+ SIT: Requested clarification about how projects were selected for likely streamflow benefits.
		- Angela updated the language.
	+ SIT: Requested additional information about plan implementation.
		- Angela will add a statement that directs readers to Chapter 6 and the commitments made by committee members.
	+ DERT: Requested removal of a paragraph regarding Ecology’s interpretation that the law does not obligate entities to implement projects or take action.
		- Angela clarified that Ecology is not comfortable removing this paragraph.
		- Ecology is willing to move this statement to a footnote.
		- SIT requested that this language state that the committee prepared the plan with the intent to implement it.
			* The BIAW would prefer to have a single mention of different legal interpretations as opposed to multiple places throughout the document.
				+ Angela noted that the footnote regarding differing legal interpretations is only in the executive summary and chapter 1.
			* SIT: Proposed the following phrasing: “the committee supports each recommendation and implementation of them by the appropriate entity”.
				+ The BIAW agrees with this language
				+ Angela has added this language to the plan.
	+ DERT: Requested the sentence that states policy and regulatory recommendations are not endorsed by Ecology be deleted.
		- Ecology is not in agreement and does not support removing the sentence.
		- SIT proposed stating this as a footnote in the plan.
		- City of Lacey suggested that the language be changed to say that Ecology will review recommendations once the plan is completed.
		- Angela will confirm with management if this can be stated in a footnote and discuss any potential language changes, but does not believe this will be changed.
	+ Thurston CD: Thurston CD and the SIT suggested adding language regarding instream flow rules and to have that information be reflected on a map.
		- This language has been added.
	+ Thurston CD: Suggested a clarification about who should be responsible for leading the DWC
		- The CD proposed that the WRIA 13 Lead Entity might be a good fit for this position.
		- SIT stated that it is important someone take the lead on implementation and planning. The City of Olympia suggested the Nisqually Council might be a useful example to follow.
		- Language may be added, but the WRIA 13 Lead Entity was not present and could not agree to lead the initiation of the DWC.
		- Thurston CD is willing to reach out to the WRIA 13 Lead Entity to assess if they are willing to serve.
		- Angela added language that states interested members would convene for the purpose of initiating the council.
			* Includes: DERT, City of Tumwater, Thurston County, City of Olympia, Thurston Conservation District, and City of Lacey
				+ Other entities interested in including their name should let Angela know.
	+ SIT: Suggestion that the total number of building permits be tracked.
		- Angela added the requested language.
	+ Olympia: Monitoring data (individual measurements/sample results) does not need to be included in the plan, factoring in the sheer volume of data that exists among various entities. References to where such data may be obtained should be included in the plan.
		- Thurston County had originally requested this language but has not yet provided the data.
		- This could also be included in the plan compendium.
		- SIT proposed just stating that water data is available from Thurston County and Ecology.
			* This change was made, no additional data will be provided.
	+ SIT: Proposed language to include the total number of new connections in county reports.
		- Angela added language to the plan.
		- Will include new wells, connections, and total number of new water connections.
	+ Thurston CD: Requested removing the statement that states they would track implementation and areas for improvement in the assurance of plan implementation.
		- Angela removed the sentence.
* Chapter 7
	+ DERT: Proposed introductory language explaining legal requirements.
		- Angela added a new paragraph.
		- DERT suggested additional language from RCW 90.94
			* Angela will work on revisions
	+ SIT and DERT: Consumptive Use “goal” should be changed to “estimate”
		- Angela made the change and will ensure it is consistent throughout the plan.
	+ SIT: Suggested new language to address the “precautionary principle” in the “Uncertainties and Adaptive Management” section.
		- BIAW: Would not be comfortable with the suggested revision.
		- Angela suggested that we do not use this term in the plan but instead expand on uncertainties, and noted that similar language was developed for the WRIA 15 Committee to address this comment.
		- BIAW is comfortable with Ecology’s suggested approach and requested the WRIA 15 language from Angela.
		- SIT stated that this paragraph is convoluted and the tribe would like to see a clear statement that the heart of NEB is to restore streamflow.
		- Angela will work with HDR to address these comments as best as possible.
	+ SIT: Requested clarification that full implementation of the plan will achieve NEB
		- Ecology shared that “full implementation of the plan” is not necessarily a correct statement. The reason the plan includes redundancy is that it is understood not every element in the plan will be implemented.
* Appendix
	+ SIT provided several comments on the glossary.
		- Angela noted that Ecology is reviewing these comments, but intends to keep the glossary consistent across the 8 watershed plans in the Ecology-led process.
	+ Project descriptions comments were made and revised.
* Angela will work on proposed suggested edits, and send a revised version out to the Committee for a quick 2 day review. Angela will send out a clean version of the plan with new language highlighted.

## Plan Next Steps and Timeline

* If there is a need from the committee, a meeting will be held on 1/27 to review final changes to the plan before local review.
* January – April: Local decision makers will review the plan as needed.
* February and March: Meet as needed.
* Mid-April: Meet to vote on the final plan. Angela will schedule a meeting date.
* May – June: Chair and Facilitator will plan meetings as necessary.
* June 30: Deadline for Director of Ecology to make a decision on plan adoption.

## Public Comment

* No public comment

## Next Steps and Action Items

* **Monday 1/25/21 -**  Angela will send a revised and updated version of the plan to committee members. This will show where changes have been made based on today’s discussion.
* **Tuesday 1/26/21 –** If committee members feel the need to meet once more to settle any remaining issues in the plan, they should contact Angela by 1/26 requesting a supplemental meeting be held on 1/27. If no requests are received, Angela will produce a new version of the plan to send for local review.
* **Wednesday 1/27/21 –** Tentative supplemental meeting to discuss final plan revisions.